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CAPITAL ONE BANK (USA), N.A.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

CAPITAL ONE BANK (USA), N.A.,

Plaintiff,

v.

EDMUND G. BROWN, JR., in his capacity as  
Attorney General of the State of California,

Defendant.

Case No. C08-02289-SC

**PLAINTIFF'S NOTICE OF  
VOLUNTARY DISMISSAL**

Hon. Samuel Conti

Complaint Filed: May 2, 2008  
Trial Date: TBA

Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiff Capital One Bank (USA), N.A. hereby voluntarily dismisses the above-captioned action.

Dated: November 25, 2008

MORRISON & FOERSTER LLP

By: /s/ James F. McCabe  
James F. McCabe

Attorneys for Plaintiff  
CAPITAL ONE BANK (USA), N.A.

